

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:01CR215
)	
v.)	
)	
TRACY COOK,)	MEMORANDUM OPINION
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion to reduce sentence (Filing No. [153](#)). The defendant seeks to have his sentence reduced by reason of the recent modifications to the sentencing guidelines for offenses involving the distribution of cocaine base, citing *United States v. Pepper*, 131 S.Ct. 1229 (2011). However, the defendant's life sentence was premised on the provisions of 21 U.S.C. § 841(b), which mandated a life sentence because the defendant had incurred two prior felony convictions.

The modifications to the United States Sentencing Guidelines do not impact his sentence as reflected in this Court's memorandum opinion of May 5, 2005 (Filing No. [138](#)). Accordingly, defendant's motion to reduce sentence will be

denied. A separate order will be entered in accordance with this opinion.

DATED this 11th day of January, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court